



CITY OF HAYWARD AGENDA REPORT

Meeting Date 10/21/04
Agenda Item 3

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: Revocation of Use Permit No. PL-2003-0373 – Initiated by the Planning Director
– Christian Vigilance Church (Owner)

The Project Location Is 28767 Ruus Road, in a Single-Family Residential (RS)
Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission find the project categorically exempt from CEQA review and revoke the Use Permit.

DISCUSSION

In November 2003 the Planning Commission approved modifications to a use permit for the Christian Vigilance Church. The church has been operating at this location since 2000 and various other churches have used the site dating back to 1960 when the County issued a use permit for the construction of the church building. The City annexed the area in 1962. The church is surrounded by other churches to the north and west and by single-family homes to the east and south. Due to a large number of complaints from neighbors regarding the church's operation (noise, hours of operation and dust in the air and mud on Ruus Road from the unpaved parking lot), staff referred the use permit to the Planning Commission for the addition of conditions of approval that would ensure that the church would operate in harmony with the surrounding homes.

When the Planning Commission approved the modification to the use permit, several conditions of approval were included (see Attachment C). Most use permits require all conditions to be completed prior to occupancy or commencement of operations. Because the church was already operating and due to the church's limited financial resources, a schedule was approved for completion of the physical improvements required by the conditions of approval.

Conditions Relating to the Building and the Property

- Condition number 4 required that a building permit application for a soundwall to be constructed along the south property line be submitted by January 17, 2004. It was not until March 31, 2004 that a preliminary plan for the soundwall was submitted for review by planning staff. The church proposed a stucco finish on the wall, but had no way to stucco the side of the wall facing the homes on Collins Court. The church said that they could not

get permission to remove the rear fences of the Collins Court properties. Staff assisted the church by mailing letters to the affected property owners and obtained permission from four of the five owners to have the church remove their wooden fences. A building permit application that included the soundwall was submitted on May 13, 2004. Staff issued correction comments on June 8, 2004 and the church has not made the necessary corrections to their plans. On September 7, 2004 the pastor said that the church could not afford to build the wall.

- Condition number 5 required a sign permit application for a new monument sign to be submitted by May 17, 2004. A sign permit application was not submitted. There is no sign permit for the existing nonconforming freestanding sign.
- Condition number 6 required the accessory structures to be removed from the side yard by December 17, 2003. As of October 14, 2004, the structures are still in the side yard setback area.
- Condition number 7 required that a lighting plan be submitted by January 17, 2004 to ensure that exterior lights are of the proper intensity and that they do not shine on neighboring properties. The lighting plan was not submitted.
- Condition number 8 required the installation of double-pane windows, air conditioning and sound insulation on the church building wall behind the altar by January 17, 2004. It was not until May 13, 2004 that a building permit application and plans for the windows, air conditioning, sound insulation, monument sign, parking lot and the addition of accessible restrooms and a new lobby was submitted. Staff issued correction comments on June 8, 2004 and the church has not made the necessary corrections. The planned addition of accessible restrooms and a new lobby were not required by the conditions of approval, but was a voluntary proposal. On September 7, 2004, the church submitted a new application for new windows and sound insulation only. The permit was issued on the same day and an inspection was conducted for this work on September 30, 2004 and a final inspection will be conducted when the work is completed. At the time this report was written, the church was still working on the installation of the windows and sound insulation.
- Conditions 25 and 26 required the paving of the driveway and parking lot and installation of street frontage improvements such as curb, gutter and sidewalk by August 17, 2004. The condition allows the applicant to file a Deferred Street Improvement Agreement to delay the installation of the curb, gutter and sidewalk for 5 years. The intent of this condition was to complete the parking lot prior to the 2004/2005 rainy season. On September 7, 2004, the church's engineer said that the revised plans for the parking lot would be submitted on September 8, 2004. The plans were not submitted and on September 13, 2004, a new engineer retained by the church said that he would be preparing the drainage plan for the parking lot. The church attempted to submit the revised parking lot plans on October 6, 2004, but the plans were incomplete and the City did not accept the building permit application.
- Conditions 15 through 21 address landscaping. The landscaping was required to be installed within 60 days of the completion of the parking lot. Because the parking lot has not been completed, neither has the landscaping.

On November 19, 2003 staff provided the church with a compliance schedule with deadline dates for the applicable conditions of approval (see Attachment D). Staff spoke with the pastor several times asking for plans to be submitted. Staff tried to accommodate the church by accepting late plans with the hope that the improvements would eventually be completed so that the church could operate in harmony with the surrounding residences. Staff assisted the church by contacting the neighbors on Collins Court regarding the replacement of their rear fences with a soundwall.

Conditions Relating to Church Operations

- Condition number 9 required the church to cease immediately the playing of drums or amplified music when doors or windows are open and prohibited the playing of music outdoors. According to the neighbors, the church has continued to play amplified music with the doors and windows open.
- Condition number 10 required the church to keep doors and windows closed during meetings and services. As stated above, neighbors state that church has continued to operate with the doors and windows open.
- Condition number 12 limits the hours of the church's operation to no earlier than 7 a.m. and no later than 10 p.m. daily. Meetings are required to end by 9:30 p.m. and all cars (with the exception of custodial or administrative staff) shall exit the premises and the gate closed and locked across the driveway by 10 p.m. nightly. As observed by both planning staff and the neighbors, the church has met outside the prescribed hours on a regular basis.
- Condition number 13 requires church management to take necessary steps to assure the orderly conduct of members and visitors on the premises. As observed by both planning staff and the neighbors, the church has allowed children to play outside, creating noise late at night. In addition, the neighbors have observed church members honking car horns and speeding out of the parking lot.

The following is a list of complaints that were received after the Commission approved the modification to the use permit in November 2003.

Summary of Complaints

Date Received	Complaints from Neighbors
December 9, 2003	People in parking lot until 10:30 pm on 12/5 and 12/6, front gate has been opened at 5 am everyday recently
December 11, 2003	People in parking lot until 10:20 pm on 12/10 (Could hear trumpet has been added to the band), Gate opened at 4:55 am on 12/11
February 19, 2004	Received letter from neighbor listing violations ranging from December 31, 2003 to February 2, 2004. (see Attachment F)
March 1, 2004	Meetings continuing after 9:30 pm, doors and windows left

	open, loud music on a regular basis
March 9, 2004	Over 100 people at church on 3/7. People played music with windows and doors open from 7:30 am to 9 pm. People have recently been honking car horns to get in front gate at 5 am.
June 22, 2004	Neighbor on Collins Court said that kids on the church property were poking sticks at his dog through the fence on 6/20 and 6/21.
August 5, 2004	People were at church until 10:45 pm and kids were screaming at 10:30 pm on 8/4. People have been arriving at 5 am everyday. Things have gotten worse during last 6 weeks.
September 15, 2004	People are still arriving at 5 am. There were 16 cars in the parking lot at 10 pm on 9/14 (they left with their headlights off). On Friday nights they are usually there until 11 to 11:30 pm.
October 1, 2004	People were pounding on the stucco walls until 11 pm on 9/30. Cars peeled out when leaving. Dust from parking lot has been a big problem on weekends. Exterior lights were adjusted soon after Planning Commission hearing last year, but now bright light is shining on front door across street from church.

Planning staff has tried working with the church to obtain compliance with the conditions of approval. Following is a timeline of observation and enforcement efforts by City staff.

Responses to Complaints and Enforcement Actions

Date	Staff Action
December 11, 2003	Staff contacted the pastor and relayed the complaints. The pastor was reminded of the hours of operation limits in the conditions of approval and warned that future complaints may result in a possible revocation of the use permit.
February 27, 2004	Staff contacted the pastor to encourage submittal of plans to satisfy conditions.
March 1, 2004	Staff contacted the pastor and he denied accusations made by neighbor. The pastor was informed that staff would start making night-time visits.
March 3, 2004	Staff requested the Police Department to assist by checking on the church during evening hours. Patrols visited the property twice during the month of March and found the parking lot clear of cars by 9:30 pm.
April 14, 2004	Staff drove by the church at 9:30 pm and observed a parking lot full of cars and could see and hear kids playing outside. There was no indication that people were getting ready to leave.
April 23, 2004	Staff drove by the church at 10:30 pm and found the property empty of cars.
April 29, 2004	Staff called neighbor and noted most recent observation and the Police Department's observations. The neighbor agreed that things had been better recently and that he would contact staff again if problems reappeared.

August 6, 2004	Staff sent the church a letter setting a deadline of September 7, 2004 to submit plans for the soundwall, sign, lighting, windows, air conditioning and sound insulation. The letter also stated that future violations of the hours of operation or observance of disorderly conduct will be grounds for proceeding with a revocation hearing.
September 30, 2004	Staff sent the church a letter informing them that a revocation hearing had been scheduled.

While the church has made some progress on the physical improvements that are required (such as beginning the window replacement and preparing plans for the parking lot), none have been completed by the deadlines set forth by the Planning Commission. Furthermore, neighbors indicate the church has shown no regard for them or the rules that were put in place to protect them. Even if the church were to eventually complete the soundwall and parking lot improvements, continued practices would indicate that the church would not meet the conditions regarding the hours of operation or limiting late night and early morning noise.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15321, Enforcement Actions by Regulatory Agencies.

PUBLIC NOTICE

On October 8, 2004, a Notice of Public Hearing for the public hearing was mailed. Staff notified the pastor of the church, Juan Cornejo, in writing on September 30, 2004.

CONCLUSION

The church has failed to complete 14 conditions that required some physical improvement to the property and has regularly violated 4 conditions relating to the operational requirements of the church. Five neighbors opposed the approval of the use permit for the church last year based on prior experiences with the church. Staff and the Commission were hopeful that the addition of various conditions would ensure that the church would operate in harmony with the neighborhood. The church has failed to meet the City's expectations and has continued to operate in the same manner that generated the complaints prior to the modification of the use permit. Staff tried working with the church to obtain compliance with the conditions, but the church has not met any deadlines set for improvements and has continued to generate complaints from neighbors. Staff believes that the situation cannot be corrected with the addition of new conditions or extended deadlines. Therefore, staff recommends the use permit be revoked and the church cease all operations immediately.

Prepared by:



Erik J. Pearson, AICP
Associate Planner

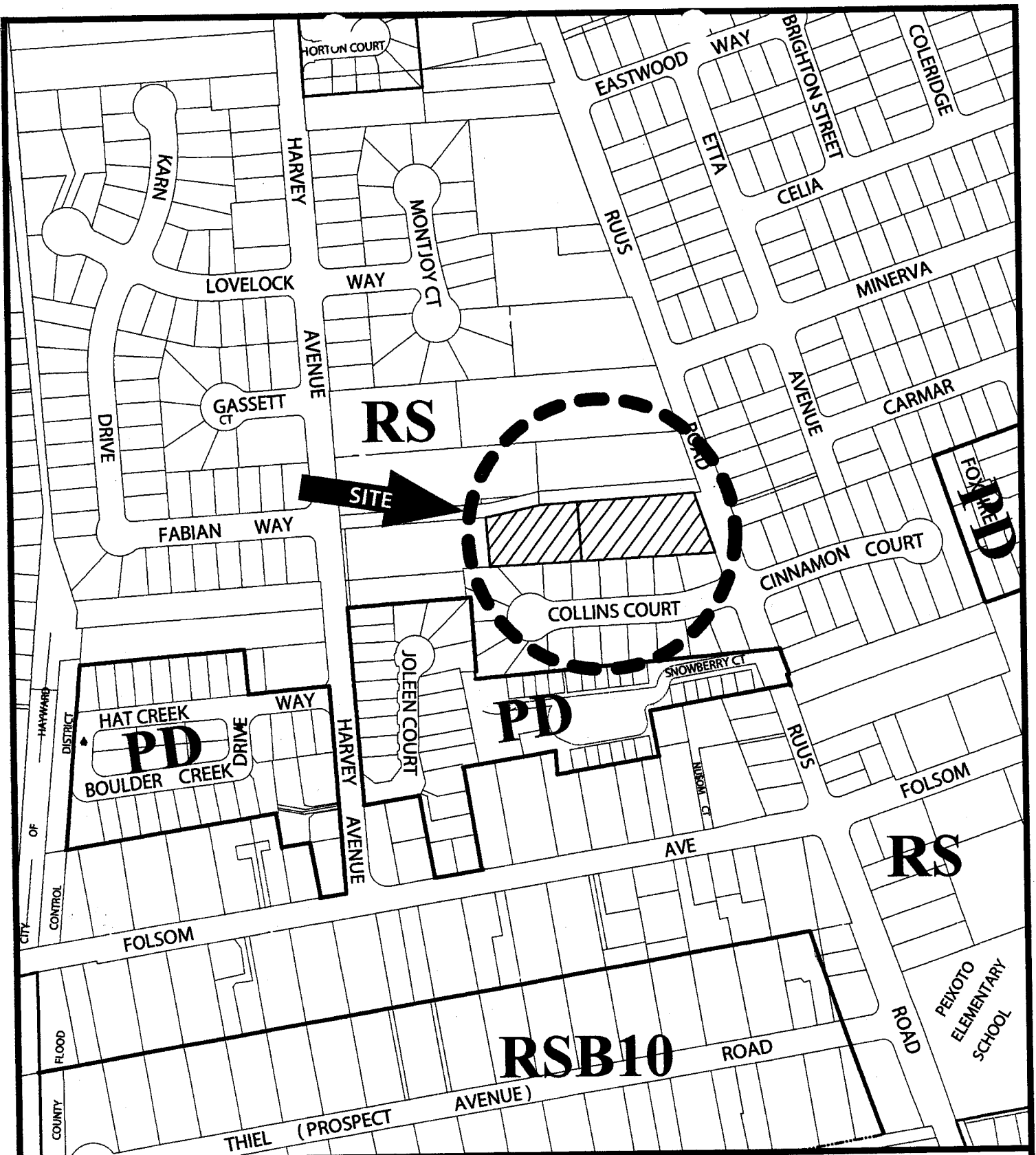
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Revocation
- C. Conditions of Approval approved by Planning Commission
- D. Compliance Schedule for Conditions
- E. Planning Commission Minutes and Staff Report dated November 6, 2003
- F. Police Reports Letter from neighbor dated February 18, 2004
- G. Letter to church dated August 6, 2004
- H. Letter from church dated August 30, 2004
- I. Letter to church dated September 30, 2004



Area & Zoning Map

PL-2003-0373 AUP

Address: 28767 Ruus Road

Applicant: Juan Ramon Coruejo

Owner: Christian Vigilance Church

PD-Planned Development

RS-Single-Family Residential,RSB4,RSB6



USE PERMIT MODIFICATION PL-2003-0373
Christian Vigilance Church (Owner)
28767 Ruus Road
October 21, 2004

FINDINGS FOR REVOCATION

- A. The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15321, Enforcement Actions by Regulatory Agencies.
- B. The use or the manner in which it is conducted, managed or operated impairs the character and integrity of the zoning district and surrounding area in that the church has repeatedly conducting meetings and played loud music early in the morning and late at night, had children playing outside late at night, failed to construct a soundwall and has failed to pave the parking lot, subjecting neighbors to unnecessary noise and dust.
- C. The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan and modification of the conditions in that conditions 4, 5, 6, 7, 8, 15, 16, 17, 18, 19, 20, 21, 25 and 26 have not been completed and conditions 9, 10, 12 and 13 have been violated on a regular basis. Continuation of the church's use of the property would be detrimental to the public health, safety, or general welfare.

**CITY OF HAYWARD
PLANNING DIVISION
USE PERMIT MODIFICATION
(Revised by Planning Commission on 11/6/03)**

November 6, 2003

**MODIFICATION OF USE PERMIT NO. PL-2003-0373: Christian Vigilance Church
(Owner)**

The Project Location Is 28767 Ruus Road, in a Residential Single-Family (RS) Zoning District

CONDITIONS OF APPROVAL:

1. Any and all conditions of approval of the use permit issued by the County of Alameda shall remain in full force and effect.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
4. An 8-foot high masonry sound wall shall be erected along the south property line where the church and the parking area abuts the property line. The wall shall be decorative (including pilasters and caps) and shall be compatible with the surrounding buildings. A building permit application for the wall shall be submitted within 60 days of the effective date of this approval and the sound wall shall be installed within 30 days after the issuance of the building permit. In the meantime, the church members shall keep noise to a minimum.
5. Plans and a sign permit application for a new monument sign shall be submitted for review and approval by the Planning Director within 6 months of the effective date of this approval.
6. The accessory structure constructed in the side yard shall be removed within 30 days of the effective date of this approval.
7. A lighting plan prepared by a qualified consultant showing that the parking and pedestrian areas will have a minimum one foot candle of light during hours of darkness as required by the Security Ordinance shall be submitted within 60 days of the effective date of this approval. The lighting plan shall include details of decorative fixtures to be installed. Fixtures shall be controlled by photocells. Light shall not illuminate or create glare for neighboring properties.

Effective immediately, existing lights must be removed, shielded or redirected so that light is not cast onto neighboring properties.

8. Double pane windows, air conditioning and sound insulation on the wall behind the altar shall be installed within 60 days of the effective date of this approval. All necessary permits shall be obtained from the Building Division.
9. Effective immediately, no drums or amplified music may be used when doors or windows are open. No music may be played outdoors.
10. The doors and windows shall remain closed during meetings/services.
11. The project shall comply with the provisions of the Security Ordinance that pertain to address numbers, and all newly-installed doors, windows and locks.
12. The hours of operation shall be no earlier than 7 a.m. and no later than 10 p.m. daily. Services/meetings shall end by 9:30 p.m. and all cars (with the exception of custodial or administrative staff) shall exit the premises and the gate closed and locked across the driveway by 10 p.m. nightly.
13. Church management shall take necessary steps to assure the orderly conduct of members and visitors on the premises. Church management shall also ensure that all litter is removed from the premises on a daily basis.
14. Any graffiti shall be painted over within 7 calendar days of occurrence.

Landscaping:

15. All landscaping shall be installed within 60 days of the completion of the parking lot.
16. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes. A separate tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
17. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch- high class "B" Portland Cement concrete curb. Separate turf areas from shrub areas with a permanent header such as a 6-inch concrete mow strip. Turf areas should not exceed more than 50 percent of the total landscape area.
18. One 24-inch box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
19. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
20. The parking lot shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. In addition, parking rows shall be capped with a landscaped island. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and

spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.

21. A landscape buffer including shrubs and one 15-gallon tree for every 20 lineal feet of property line shall be planted along property lines adjacent to residential uses.
22. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

Engineering:

23. The project shall identify Best Management Practices (BMPs) appropriate to the new parking and driveway areas in order to limit the entry of pollutants into the storm water runoff to the maximum extent practicable.
24. If work is done during the rainy season (Oct. 15 to April 15), an Erosion and Sedimentation Control Plan shall be in place.
25. Improvement plans prepared by a registered Civil Engineer shall be submitted to the City and shall include:
 - a) Details showing that the parking area and the driveway will be paved with asphalt concrete (AC) or Portland concrete (PCC) and the parking stalls will be striped.
 - b) Details showing that the Ruus Road frontage will be improved with new curb, gutter, sidewalk and tie-in pavement. An Encroachment Permit shall be required for these improvements.
 - c) The existing and proposed on-site drainage system within the new parking and driveway areas. Use of a grassy swale along the south property line should be incorporated.
26. The driveway shall be completed within 9 months of the effective date of this approval. If the applicant wishes to defer the installation of the curb, gutter and sidewalk for the remainder of the frontage, then a Deferred Street Improvement Agreement shall be filed and recorded. The Agreement shall state that the remainder of the street frontage improvements will be completed within 5 years of the effective date of this approval.
27. Effective immediately, no parking or driving shall be permitted off the gravel surface of the driveway and parking area.

Fire Department:

28. The plans shall be modified to provide an adequate turning radius for fire apparatus to enter the site. Access to within 150' of the rear-most portion of the existing building is required.

29. Due to the setback of the existing building from the street (greater than 150' to the rear-most portion), a fire truck turnaround shall be designed for the parking lot. The preferred location is on the west side of the building. Standards for the design may be obtained from the Fire Department.
30. Red-curbing and fire lane signage shall be installed in the parking lot in all areas where vehicle parking is not dedicated.
31. An address shall be installed at the driveway entrance with minimum 6" high numbers on a contrasting background. In addition, a minimum 6" building address shall be installed on the building so as to be visible from the street. Address numbers shall be decorative and shall be approved by the Planning Director.
32. The Fire Department will conduct an inspection of the site and the church building. Additional requirements may be imposed at that time.

General:

33. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

Compliance Schedule for Christian Vigilance Church
28767 Ruus Road
Use Permit Modification PL-2003-0373

Date	Days	Requirement	Date Completed
11/6/03		Approved by Planning Commission	
11/17/03	10	Effective Date	
12/17/03	30	Shed must be removed (COA # 6)	
1/17/04	60	Windows, air conditioning and sound insulation must be installed (COA # 8)	
1/17/04	60	Fire Department shall conduct inspection (COA # 32)	
1/17/04	60	Lighting plan shall be submitted (COA # 7)	
	30 days after lighting plan is approved	Lighting shall be installed or modified	
1/17/04	60	Building permit for sound wall must be submitted (COA # 4)	
	30 days after building permit is issued	Wall must be installed (COA # 4)	
5/17/04	180 (6 months)	Plans and application for a new monument sign must be submitted (COA # 5)	
5/17/04	180 (6 months)	Improvement plans shall be submitted (COA # 25)	
5/17/04	180 (6 months)	If curb, gutter and sidewalk will be deferred, agreement shall be filed (COA # 26)	
8/17/04	270 (9 months)	Driveway and parking lot shall be paved (COA # 26)	
	60 days after completion of parking lot	All landscaping must be installed (COA # 15)	
11/17/08	5 years	Curb, gutter & sidewalk must be installed (COA # 26)	



Chairperson Zermeno commented that this has been worth the time taken to consider such an impressive and unique project.

Commissioner Halliday, noting that her motion failed, considered the overriding reasons and would be supporting the original motion due to the excellence of the project other than the parking. She stated for the record that she hoped the City Council would further consider a compromise, as she did not believe that the marketability would be destroyed if 325 spaces were dedicated.

The original motion passed unanimously with Commissioner McKillop absent.

Chairperson Zermeno, Commissioner Bogue, and Commissioner Halliday noted for the record that they talked to the developer to further review the structural changes and project plans.

Chairperson Zermeno thanked the Commission for its excellent discussion and thanked all involved. He apologized to those yet to be heard on this agenda. He called for a recess at 9:50 p.m.

2. Variance No. PL-2003-0477 – Rudolph Thomas (Applicant/Owner) – Request to Allow a Carport With a 1-Foot Side Yard Setback Where 5-Feet is Required and a 3-Foot Setback From the Building Where 6-Feet is Required and for Exceptions to the B Street Special Design Streetcar District Requiring Parking to the Rear of the Front Building and an Architectural Design that Reflects the Early Character of B Street – The Project is Located at 412 B Street

Planning Manager Anderly reported that the applicant withdrew this application and it would not be discussed.

3. Planning Director's Referral of Modification of Use Permit No. PL-2003-0373 – Christian Vigilance Church (Applicant/Owner) - For an Existing Church – The Project is Located at 28767 Ruus Road

Associate Planner Pearson noted the revised set of conditions, which would include inspection by Fire Department. He gave further background and information on the Church permits. He noted that approximately a year ago, complaints began coming in from neighbors of the Church regarding noise and parking problems. As a result, the Planning Director has proposed conditions of approval to help solve these problems and make the Church more compatible with the neighborhood. Staff recommended modification of the use permit. He noted that the applicant has agreed to the conditions but would like more time in which to make changes.

Commissioner Sacks asked about the new conditions presented to the Planning Commissioners at this meeting.

Chairperson Zermeno asked why there was no graffiti language. He asked for a 3-day removal condition rather than 7 days. He confirmed whether the applicant had agreed to all of the conditions.

Associate Planner Pearson suggested asking the applicant to confirm his agreement.

Commissioner Sacks expressed concern on the noise situation and when that would be addressed, before or after the masonry wall.

Associate Planner Pearson suggested that staff would ask the church to limit the noise until the wall could be erected.

Chairperson Zermeno suggested that by shortening the church service, they should be helping to limit the noise within the neighborhood.

Chairperson Zermeno opened the public hearing at 9:54 p.m.

Pastor Juan Cornejo said they purchased the building in 2000. They would like to fix up the building but are presently facing a shortage of funds. They are willing to abide by the requirements. The church is there to help the community, especially the Hispanic community. He said he is willing to cooperate with the neighborhood and apologizes to the neighborhood for any disruption they might have created. He commented that someone had translated the conditions for him.

Commissioner Fraas asked what had been done in the past to accommodate the noise complaints.

Pastor Cornejo said it is a very active church. However, they have lowered the sound from the music and have asked the children to be quiet. He said they are willing to cooperate.

Commissioner Halliday expressed her concern about drumming from 7:30 a.m. on into the late evening. She asked about noise starting at 5 a.m.

Pastor Cornejo responded that about 8 people pray every morning but there is no clapping, singing or loud music. Special occasions are not programmed that early in the morning.

Commissioner Thnay asked when could they comply to bring peace to the neighborhood, for example, installing the double paned windows.

Pastor Cornejo asked what does the community want first.

Commissioner Thnay suggested a phasing in of the project. He said he could see this would be a financial burden for a small church. He then asked about the request to end services at 9:30 p.m. instead of 10 p.m.

Pastor Cornejo agreed that services will end at 9:30, but cleanup folks stay until 10 p.m.

MINUTES



REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD
Council Chambers
Thursday, November 6, 2003, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

Commissioner Thnay suggested it might be unrealistic to think everything would be done by 10 p.m., but more reasonable to leave premises by 10:30 p.m.

Commissioner Fraas asked if the church had talked to the neighbors about it.

Pastor Cornejo suggested that several times he has encountered neighbors who do not seem willing to cooperate and talk with him. He said he was willing to pay for half of the construction of the wall but neighbor was unwilling. In response to questions, he commented that the police had been to the church at least 8 times. He added that there are people in the parking lot supervising the children. He added that he wants to have peace with everyone.

Chairperson Zermeño asked whether he understood the frustration of the neighbors and asked what type of music is played.

Pastor Cornejo stated the music is a small band with an amplifier. He understands that frustration and wants to get a solution to the problem.

Chairperson Zermeño suggested that since the building is small, they should try playing the music without the amplifier.

Commissioner Sacks asked whether he had sat down with the people of the church and talked with everyone about how serious this issue is. And talked with those who are creating the problem.

Pastor Cornejo said he has talked to the members.

Andrew LeFleur stated that he is a neighbor and has lived in his home for more than 47 years. He described the noise, music, and clapping. He said each morning they are awakened by the clanging of the metal fence. The noise of children and the amplified music and drums are extended. He also complained about the litter from the church. He discussed a previous church and the cooperation they had. He also noted that they have no permit to use the building.

Associate Planner Pearson said they received a permit in 1960 from the County. This is acceptable zoning with the land

Horacio T. Madrid stated that he lives closest to the church and is about 40 feet to the wall. He commented that their home gets most of the noise, which are mostly drums and the amplifier. His home is back to back with the church. He noted that they are on the premises until 11 p.m. and later. He asked about the double paned windows and whether there would be air conditioning since they would otherwise open the windows. He then submitted a statement with about 12 - 20 signatures from other neighbors on this regard.

Chairperson Zermeño asked about his reaction to the direction the Commission was taking.

Chairperson Zermeño commenting that Ruus Road is the religious shopping center of Hayward closed the public hearing at 10:19 p.m.

Commissioner Halliday commented that a mediator is really needed in this regard. The City of Hayward cannot monitor the situation. A change in attitude about people's rights to enjoy their property is what is necessary. The Church will have to compromise in its operation. She moved, seconded by Commissioner Bogue, to approve the use permit with the conditions. She suggested that they might want to add conditions regarding the use of drums and amplification. She asked about requiring a litter-free property on a daily basis. She added the graffiti language.

Commissioner Fraas said she would be in support in order to force them to get along with their neighbors. She said she did not approve of extended time allowance.

Commissioner Thnay emphasized that being a good neighbor is paramount. The site area should look the best. He thanked staff for the conditions to enhance the neighborhood.

Commissioner Sacks said the noise issue is one of the most important points under discussion. She suggested mediation since this has gone on for several years. She emphasized the need to respect other people's space and sensitivities. She added that she was pleased with staff's conditions of approval. She noted one condition is that doors and windows be closed during the services. She emphasized that we can set up the conditions, but the people involved need to work it out.

Commissioner Bogue suggested that air conditioning is in the staff report, but not in conditions.

Associate Planner Pearson said that was an oversight but staff would include the requirement in the conditions.

Commissioner Bogue suggested they need numbers of days for graffiti removal, he suggested seven days. Commissioner Halliday agreed and added this to motion.

Chairperson Zermeño suggested discussing the problems with some of the churches along Ruus Road. He described this area as a shopping center of churches. He then asked maker and second to consider extending the time for compliance. He suggested a bit of openness for the time-line.

Commissioner Bogue thought it should not be put on staff, but the Planning Commission should make the time line.

Planning Manager Anderly said staff would support their assistance. She explained that the conditions ensure land use compatibility and that paving the area is a safety issue.

Commissioner Fraas said she was not inclined to extend time since the church had two years to fix some of these problems before they came to the Planning Commission.

MINUTES



REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD
Council Chambers
Thursday, November 6, 2003, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

Commissioner Bogue asked about the amount of time to complete the plan check, etc., he commented that it totals 4 months to complete the wall.

Commissioner Halliday asked about the driveway noting that there needs to be some progress. Perhaps they might focus on the noise aspect, and give them additional time for driveway.

Commissioner Bogue emphasized that they need to park on the gravel area, which should keep down dust on driveway.

Commissioner Halliday made an addition to Condition 22, adding the language of parking restricted to graveled area and parking lot to be completed in 6 months.

The motion passed unanimously with Commission McKillop absent.

ADDITIONAL MATTERS

4. Oral Report on Planning and Zoning Matters

Planning Manager Anderly noted that the next Planning Commission Meeting is scheduled for November 20. If needed, there could be a meeting on December 4th, but one is scheduled for the December 11th.

Commissioner Sacks commented positively on the Hotel and Main project as well as the Tiburcio Clinic. She asked what was going on with the property at Grace and Mission.

Commissioner Halliday thanked Planning Manager Anderly for the report on 1842 Highland. Planning Manager Anderly commented that the owner came to the meeting to discuss her letter, but arrived late for Public Comments of this meeting.

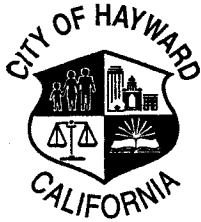
Commissioner Thnay asked if there would be an improvement to the empty land in front of Holiday House any time in the near future.

Planning Manager Anderly responded that she is working to schedule group meetings with staff about the South Hayward BART station and other surrounding areas and that the parcel on the corner will be addressed at that time. Staff is conducting a project area study for that area.

Chairperson Zermeño there is a tree on 478 B Street crying for help; it has ivy all over it.

APPROVAL OF MINUTES

- October 09, 2003 – Approved with correction
-



CITY OF HAYWARD AGENDA REPORT

Meeting Date 11/06/03
Agenda Item 3

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: Planning Director's Referral of Modification of Use Permit No. PL-2003-0373 – for an Existing Church – Christian Vigilance Church (Owner)

The Project Location Is 28767 Ruus Road, in a Residential Single-Family (RS) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, pursuant to Section 15301 *Existing Facilities*; and
2. Modify the Use Permit with the addition of the attached conditions.

DISCUSSION

The church building was constructed in 1960 prior to annexation to the City of Hayward. The Alameda County building permit records refer to a use permit (BZA # 173) issued for the construction of the church; however, the records transferred to the City from the County did not include the conditions of approval of the use permit nor do the County records address the conditions under which the use permit was granted. The property was annexed into the City in 1962.

The property is surrounded by churches to the north and west and homes to the south and east across Ruus Road. The church building is located about 130 feet back from Ruus Road and 55 feet from the nearest dwellings, and the parking area is 15 feet from the nearest dwellings. The street frontage is not improved and the gravel covers the driveway and parking area. There is minimal landscaping on the property. The church recently erected a white metal fence along the front of the property with a gate across the driveway. The property is located in a Residential Single-Family (RS) zoning district, which allows religious uses subject to approval of an Administrative Use Permit. The church has 1,927 square feet of assembly area. The City's Off-Street Parking Regulations require one parking space for each 100 square feet of assembly area. Twenty parking spaces would be required and forty-two are proposed.

The Christian Vigilance Church has occupied the property since May 2000. The City began receiving complaints about parking and noise from the church property in September 2002.

Some neighbors have spoken with representatives of the church about noise problems and City staff have spoken with the church about the complaints received regarding the church activities, but the complaints have continued. Section 10-1.3260 of the Zoning Ordinance authorizes the Planning Commission to revoke, modify or add to the conditions of approval to a use permit in order to ensure the use remains compatible with the surrounding neighborhood. Accordingly, the Planning Director is referring this matter to the Planning Commission in order to impose new conditions of the use permit intended to render the church operation compatible with the surrounding neighborhood..

The original complaint filed was of cars parking off the designated driveway, resulting in mud being tracked into the street by cars driving through puddles at the edge of Ruus Road. One neighbor has also complained of an exterior light shining from the building toward his house. According to letters received from neighbors, the church plays amplified music until 10 to 11 p.m. every night of the week. Neighbors also indicate that church members talk and children play in the parking lot on their way to their cars, which create a disturbance. One letter states that car stereos can be heard and cars honk horns on their way out of the parking lot.

In order to assure that the church functions in maximum harmony with the area, staff is recommending the following:

1. Require the church to pave the parking area and create a designated driveway entrance from Ruus Road no later than 6 months after the effective date of this approval. This condition is intended to prevent mud and dust from being tracked onto the public right-of-way as mud and dust on the street can create a traffic hazard. The church has agreed to this condition.
2. Require that landscaping be installed in and around the parking lot within 60 days of the completion of the parking lot.
3. Require the that, no later than 60 days after the effective date of this approval, the church install lights in accordance with a lighting plan to be submitted by the church to the Planning Director that shows that the site will be well-lit without creating glare for neighboring properties. Existing lights would either be removed, replaced or redirected to alleviate impacts on neighbors. In the interim, existing lights must be removed, shielded or redirected so that light is not cast onto neighboring properties.
4. In an effort to lessen the noise impact on the neighbors, the church has agreed to install double pane windows and air conditioning so that windows and doors can be kept closed even on warm days. Staff is recommending that a condition of approval require these improvements no later than 60 days after the effective date of this approval.
5. Most of the music is performed from the altar, the rear wall of which is directly opposite the homes on Collins Court. Sound insulation on the wall behind the altar has been agreed to by the church and has been made a condition of approval
6. In order to minimize outdoor noise emanating from the church and from people talking and automobiles, staff is recommending the construction of an 8-foot tall masonry sound wall

to be erected along the south property line where the church and parking area abut the residential area. Staff recommends that a building permit application for the wall be submitted within 60 days and the sound wall be installed within 30 days after the issuance of the building permit. In the meantime the church members are asked to keep noise to a minimum.

7. Upon a site inspection by a Community Preservation Inspector, an unattractive accessory building that does not meet the City of Hayward Design Guidelines was found built within the side yard setback without permits. A condition of approval has been included requiring removal of the shed within 30 days.
8. The church's meeting schedule (Attachment D) includes evening meetings until 10 p.m. Monday through Friday. In order to help alleviate the noise problems experienced by neighbors, staff is recommending that meetings end by 9:30 p.m. and that the cars exit the property by 10 p.m.

ENVIRONMENTAL REVIEW

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Sections 15301, *Existing Facilities*.

PUBLIC NOTICE

On July 9, 2003, a Referral Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Tennyson-Alquire Homeowners Association, the Warren Curtis Homeowners Association, the Eastwood Homeowners Association, the South Hayward Neighborhood Group, the South Hayward Parish and interested parties. Five neighboring households contacted staff and registered complaints based on past experiences with the church.

On October 27, 2003, a Notice of Public Hearing for the Planning Commission meeting was mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

CONCLUSION

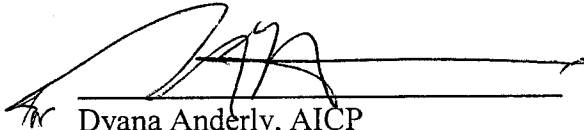
The new conditions are intended to assure that the church operates in maximum harmony with the neighborhood. The conditions are expected to reduce impacts to the neighbors and improve the appearance of the property. Staff recommends that the Planning Commission modify the use permit by approving the attached conditions.

Prepared by:



Erik J. Pearson, AICP
Associate Planner

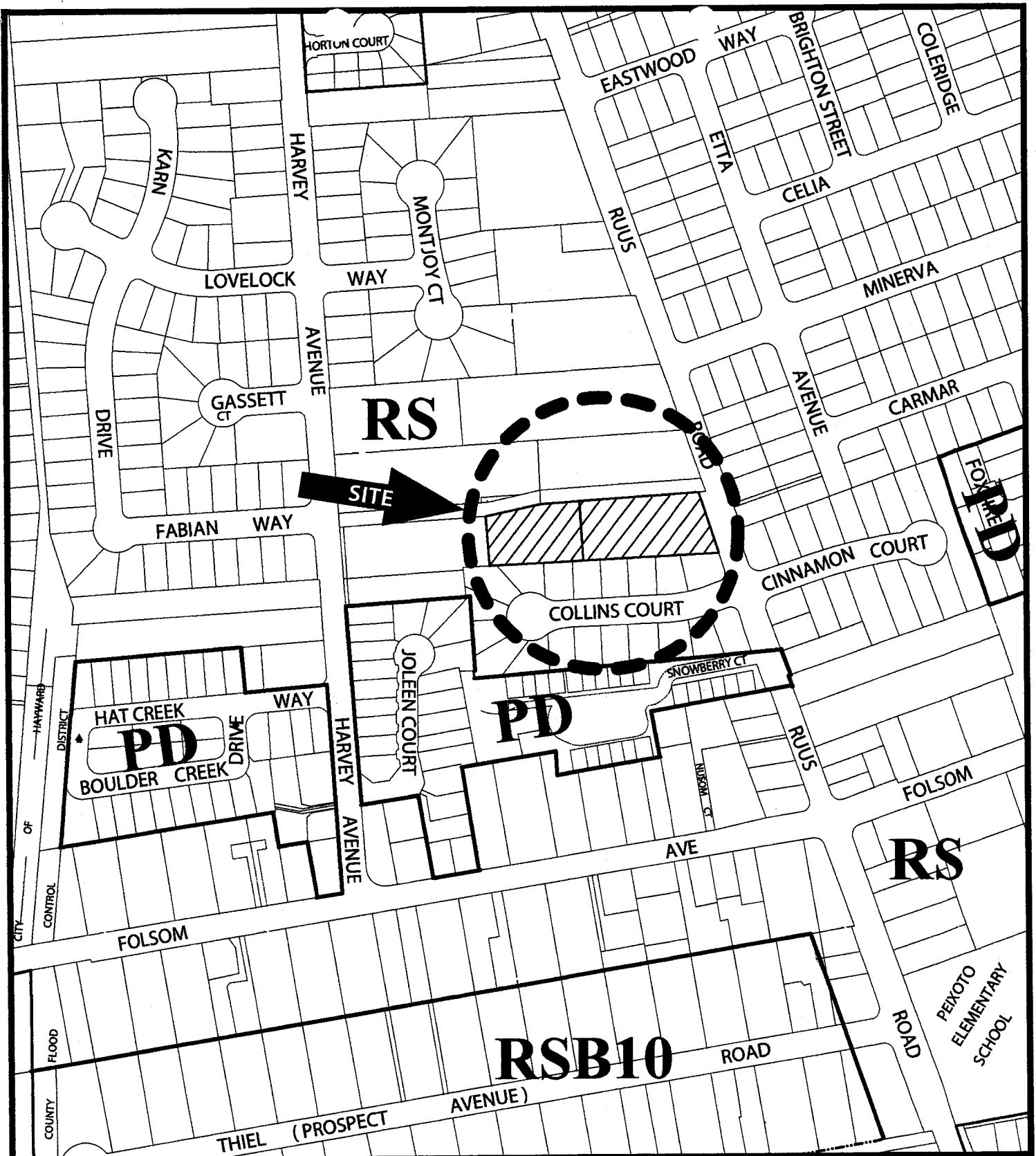
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
 - B. Findings for Approval
 - C. Conditions of Approval
 - D. Proposed Church Meeting Schedule
 - E. Letters from Neighbors
- Plans



Area & Zoning Map

PL-2003-0373 AUP

Address: 28767 Ruus Road

Applicant: Juan Ramon Coruejo

Owner: Christian Vigilance Church

PD-Planned Development

RS-Single-Family Residential, RSB4, RSB6



**CITY OF HAYWARD
PLANNING DIVISION
USE PERMIT MODIFICATION**

November 6, 2003

MODIFICATION OF USE PERMIT NO. PL-2003-0373: Christian Vigilance Church
(Owner)

The Project Location Is 28767 Ruus Road, in a Residential Single-Family (RS) Zoning District

FINDINGS FOR APPROVAL:

1. The modification of the Use Permit as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities).
2. That the church is desirable for the public convenience or welfare in that the additional conditions provide a means of assuring that the church operation is desirable for the public convenience or welfare.
3. That the church, with the additional conditions of approval, will not impair the character and integrity of the Residential Single-Family District or surrounding area in that the proposal includes improvements both physical and operational that should limit noise impacts on the neighborhood and will improve the appearance of the site.
4. That the church, with the additional conditions of approval, will not be detrimental to the public health, safety or general welfare in that, as conditioned, the use will not cause any significant negative impacts (including noise) to the public.
5. The use, with the additional conditions of approval, will be in harmony with applicable City policies and the intent and purpose of the Residential Single-Family District. The use is consistent with the City Zoning Ordinance, the Design Guidelines and the Tennyson Alquire Neighborhood Plan.

ATTACHMENT B

**CITY OF HAYWARD
PLANNING DIVISION
USE PERMIT MODIFICATION**

November 6, 2003

MODIFICATION OF USE PERMIT NO. PL-2003-0373: Christian Vigilance Church
(Owner)

The Project Location Is 28767 Ruus Road, in a Residential Single-Family (RS) Zoning District

CONDITIONS OF APPROVAL:

1. Any and all conditions of approval of the use permit issued by the County of Alameda shall remain in full force and effect.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
4. An 8-foot high masonry sound wall shall be erected along the south property line where the church and the parking area abuts the property line. The wall shall be decorative (including pilasters and caps) and shall be compatible with the surrounding buildings. A building permit application for the wall shall be submitted within 60 days of the effective date of this approval and the sound wall shall be installed within 30 days after the issuance of the building permit. In the meantime the church members shall keep noise to a minimum.
5. Plans and a sign permit application for a new monument sign shall be submitted for review and approval by the Planning Director within 6 months of the effective date of this approval.
6. The accessory structure constructed in the side yard shall be removed within 30 days of the effective date of this approval.
7. A lighting plan prepared by a qualified consultant showing that the parking and pedestrian areas will have a minimum one foot candle of light during hours of darkness as required by the Security Ordinance shall be submitted within 60 days of the effective date of this approval. The lighting plan shall include details of decorative fixtures to be installed. Fixtures shall be controlled by photocells. Light shall not illuminate or create glare for neighboring properties.
8. The project shall comply with the provisions of the Security Ordinance that pertain to address numbers, and all newly-installed doors, windows and locks.

ATTACHMENT C

9. The doors and windows shall remain closed during meetings/services.
10. The hours of operation shall be no earlier than 7 a.m. and no later than 10 p.m. daily. Services/meetings shall end by 9:30 p.m. and all cars (with the exception of custodial or administrative staff) shall exit the premises and the gate closed and locked across the driveway by 10 p.m. nightly.
11. Church management shall take necessary steps to assure the orderly conduct of members and visitors on the premises.

Landscaping:

12. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes. A separate tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
13. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch-high class "B" Portland Cement concrete curb. Separate turf areas from shrub areas with a permanent header such as a 6-inch concrete mow strip. Turf areas should not exceed more than 50 percent of the total landscape area.
14. One 24-inch box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
15. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
16. Parking lots shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. In addition, parking rows shall be capped with a landscaped island. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.
17. A landscape buffer including shrubs and one 15-gallon tree for every 20 lineal feet of property line shall be planted along property lines adjacent to residential uses.
18. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size

determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

Engineering:

19. The project shall identify Best Management Practices (BMPs) appropriate to the new parking and driveway areas in order to limit the entry of pollutants into the storm water runoff to the maximum extent practicable.
20. If work is done during the rainy season (Oct. 15 to April 15), an Erosion and Sedimentation Control Plan shall be in place.
21. Improvement plans prepared by a registered Civil Engineer shall be submitted to the City and shall include:
 - a) Details showing that the parking area and the driveway will be paved with asphalt concrete (AC) or Portland concrete (PCC) and the parking stalls will be striped.
 - b) Details showing that the Ruus Road frontage will be improved with new curb, gutter, sidewalk and tie-in pavement. An Encroachment Permit shall be required for these improvements.
 - c) The existing and proposed on-site drainage system within the new parking and driveway areas. Use of a grassy swale along the south property line should be incorporated.
22. The driveway shall be completed within 6 months of the effective date of this approval. If the applicant wishes to defer the installation of the curb, gutter and sidewalk for the remainder of the frontage, then a Deferred Street Improvement Agreement shall be filed and recorded. The Agreement shall state that the remainder of the street frontage improvements will be completed within 5 years of the effective date of this approval.

Fire Department:

23. The plans shall be modified to provide an adequate turning radius for fire apparatus to enter the site. Access to within 150' of the rear-most portion of the existing building is required.
24. Due to the setback of the existing building from the street (greater than 150' to the rear-most portion), a fire truck turnaround shall be designed for the parking lot. The preferred location is on the west side of the building. Standards for the design may be obtained from the Fire Department.
25. Red-curb and fire lane signage shall be installed in the parking lot in all areas where vehicle parking is not dedicated.
26. An address shall be installed at the driveway entrance with minimum 6" high numbers on a contrasting background. In addition, a minimum 6" building address shall be installed on the building so as to be visible from the street. Address numbers shall be decorative and shall be approved by the Planning Director.

General:

27. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

SERVICES.

				People Attending.
Monday	Workshop	From	6:00 PM - 10:00 PM	(80-100)
Tuesday	Evangelism	From	7:00 PM - 10:00 PM	(20-30)
Wednesday	Workshop	From	6:00 PM - 10:00 PM	(80-110)
Thursday	Evangelism	From	7:00 PM - 10:00 PM	(20-30)
Friday	Workshop	From	6:00 PM - 10:00 PM	(80-110)
Saturday	Evangelism	From	8:00 AM - 3:00 PM	(25-30)
Sunday	Workshop	From	9:00 AM - 11:00 AM 1:00 PM - 3:00 PM 5:00 PM - 7:00 PM	(80-120)

Project #
PL-2003-0373 AUP

RECEIVED

JUN 25 2003

PLANNING DIVISION

ATTACHMENT D

RECEIVED

JUL 21 2003

PLANNING DIVISION

MR ERICK J PEARSON
ASSOCIATE PLANNER
PLANNING DIVISION
777 "B" ST HAYWARD CA 94541

7-19-03

In response to your notice concerning the application for a church permit on RUVS Rd.

We oppose the operating of the CHRISTIAN VIGILANCE CHURCH under JUAN RAMON CORNEJO at 28767 RUVS Rd HAYWARD CA 94544, due to the excessive and loud noise they make from the early morning hours to the late hours of the night, practically every day of the week.

We are church goers and have acceptance and understanding of church practices, but this situation is something else, this is a loud disturbance to the peace and quietness that we should have in a neighborhood.

This practice should be enclosed within ~~acced~~ sound proof walls.

SINCERELY

PEDRO & MARIA COLUSSI
28798 RUVS Rd HAYWARD CA 94544

Pedro Colussi
Maria Colussi

ATTACHMENT E

RECEIVED

JUL 21 2003

PLANNING DIVISION

Mr. Erick J Pearson
Associate Planner
Planning Division
777 B St., Hayward, Ca 94541

In response to your notice concerning the application for a church permit on Ruus Rd;

I would like to make you aware that the schedule they keep is not a normal church conduct that most of us are accustomed to. They start at 5:00 a.m. and continue until 10:00 to 11:00 p.m. seven days a week.

Two or three days a week, they have a group rehearse loud drum beating for two to three hours and on Sunday they begin a loud drum beating along with 50 to 75 people clapping and singing from 7:30 or 8:00 a.m. to late afternoon.

This group should apply for a play ground permit as they have children running around their lot screaming, often until 10:30 to 11:00 p.m.

The adults come out of the building about 10 p.m. or later and gather outside talking loudly and honking car horns as they leave.

I still can't understand how this group has been allowed to operate for such a long period of time without a permit nor any restrictions, which allows them to do what they want, when they want and don't have to answer to anyone. I have always thought you qualify for a permit and then open up for business.

Suggestions:

If they wish to beat on drums, sing and clap the building should be sound proof and doors and windows kept closed like other churches in the area do.

Rather than have people talking loudly past 10 p.m.. and cars leaving and honking at each other, make it mandatory that the lot has to clear by 10 p.m.

Sat. March 22, 2003. Kids screaming and running around lot while adults gather outside building until 10:30 p.m.

Sat. March 29, 2003. Loud drumming from 2 p.m. to 8:30 p.m.

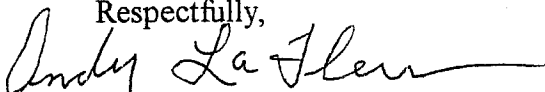
Mon March 31, 2003 Loud drumming and clapping until 10:25 p.m.

Mon April 7, 2003. Kids screaming and running on lot until 10:30 p.m.

Wed April 30, 2003. 10:30 p.m. people standing around outside building talking loudly, cars leaving lot honking. Last vehicle left 11 p.m.

The list goes on and on with a pattern. Adults standing around talking very loud and kids running around well past 10 p.m. almost every night.

Respectfully,



Andy LaFleur

July 20, 2003

Mr. Erick J. Pearson
Associate Planner
Planning Division
777 B. Street
Hayward, CA 94541

Dear Mr. Erick Pearson,

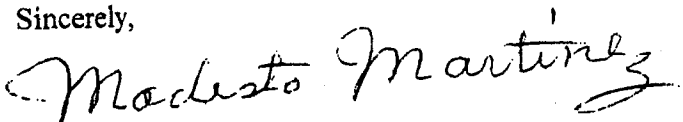
This letter is in response to your notice regarding the application by the Christian Vigilance Church for a church permit at 28767 Ruus Rd. Hayward, California. We are against this church permit being approved and issued for the following reasons.

Their services are excessively loud and held during hours when many of the neighborhood residents are trying to relax and/or sleep. Loud services are held Monday – Friday until approximately 10:00 – 11:00 pm, and on Saturdays and Sundays from as early as 7:30 am until 10:00 – 11:00 pm. While we are not opposed to religious services, this group is very loud, with amplified music and loud drums that consistently disturbs the peace in our neighborhood. This noise is particularly disturbing to those of us who live in homes in the surrounding area as the church group does not close its doors allowing their loud music and singing to be clearly heard throughout the surrounding neighborhood.

In addition to the loud services and music, the 30 minutes following the services are equally as disruptive. The adults are loud as they exit the building and enter their cars, often playing their car radios loudly and honking their horns as they exit the parking lot. They appear to have no regard for how loud and disruptive they are to the neighborhood residents. Often times there are children running around and playing loudly in the parking lot with no adult supervision until 10:00-11:00 pm when the services have finished.

We have lived in our home for over 20 years and have witnessed many uses by many groups of the building at 28767 Ruus Rd. in Hayward. The most common use has consistently been for religious services. However, this group appears to stand out as being exceptionally loud during early morning and late evening hours. We appreciate your attention to this important matter and hope that you will recognize our rights for peace and quiet in our homes within this neighborhood.

Sincerely,



Modesto Martinez

Date: July 18, 2003

Mr. Erik J. Pearson:

We are against a permit for the Christian Vigilance Church under Juan Ramon Cornejo at 28767 - Ruus Rd., Hayward, CA 94544.

Hayward Police have been called many times about this problem with their loud amplifiers and disrespect towards all of us. They have **Services Monday thru Friday 5 DAYS** a week from 7:00 p.m. to 10:00 p.m. or **LATER** and Saturday and Sunday for 8:00 a.m. until ? (7 days total). During their services they play very loud music which includes very loud and noisy drums and other loud instruments. They also disturb us by blowing car horns, playing car radios and visiting in the parking lot before leaving until 10:30 p.m. or **LATER**.

We cannot enjoy any peace in quiet in our homes because of this. In addition one of our family members works graveyard and is trying to sleep at these hours and it is impossible with all of this loud disturbing noise.

We would appreciate it very much if we could have a meeting about this matter and also appreciate if you didn't allow them to have a permit to have these services in our residential area. We have lived in our home since 1967 and do not think that this is fair to us and our neighbors. There should be some other areas available where they could have their services without disturbing residents. Thank you for your understanding and help in regards to this great continuous problem.

Sincerley,

Tom and Helen Madrid
925 Collins Ct.
Hayward, CA 94544
Phone: (510) 784-9823

Erik Pearson

From: ruthagain@juno.com
Sent: Thursday, July 17, 2003 11:30 PM
To: Erik Pearson
Subject: Ref PL-2003-0373 AUP

Dear Mr. Pearson,

My husband and I have owned and lived in our home on Collins Court, around the corner from 28767 Ruus Road, for over 27 years. The property in question has been used as a church for as long as we can remember, and we see no need to change that. We are in favor of granting a permit for the Christian Vigilance Church to operate at that address. We hope, however, that the congregation will take steps to tend to landscaping of the property to enhance the appearance of the neighborhood.

Sincerely,

Ruth Gaines
973 Collins Court
Hayward, CA 94544-5705
(510) 785-6470

The best thing to hit the internet in years - Juno SpeedBand!
Surf the web up to FIVE TIMES FASTER!
Only \$14.95/ month - visit www.juno.com to sign up today!

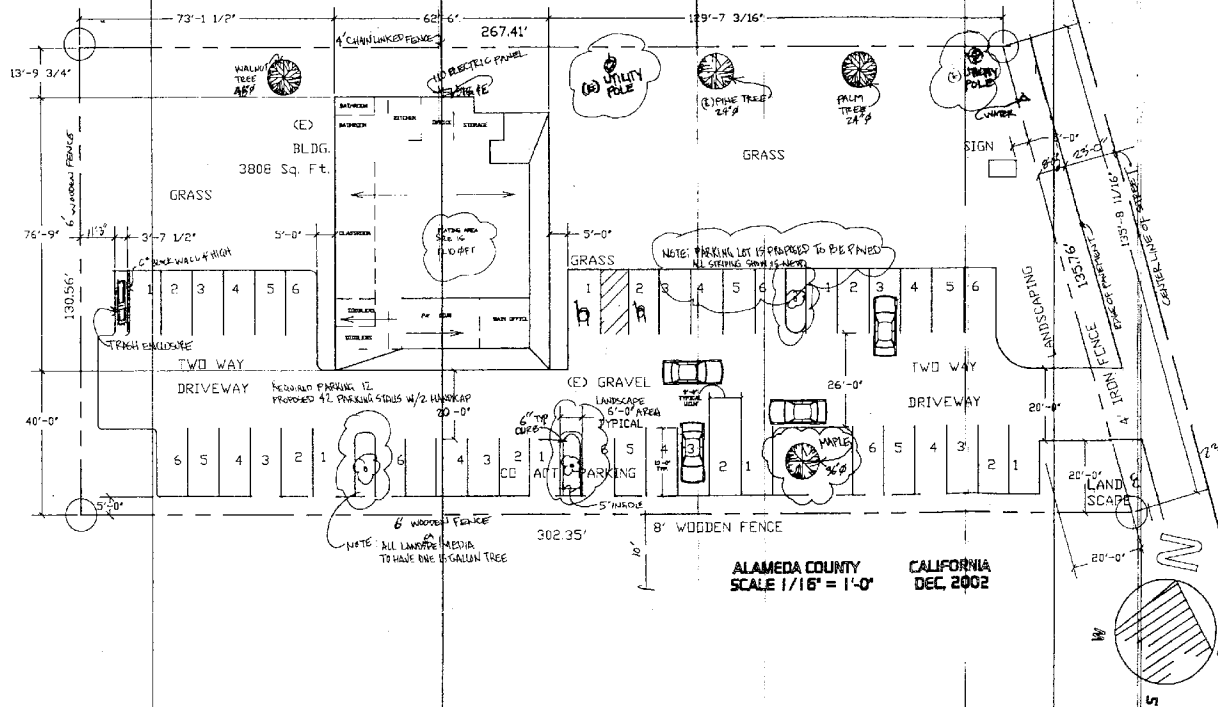


37,250 TOTAL LOT. SQ. FT.
3,808 EXISTING SQ. FT.
10 PERCENTAGE %
APN: 464-0075-002

VICINITY

GENERAL NOTES

- ALL WORK IS TO COMPLY W/ THE U.B.C., N.E.C., U.M.C., U.P.C., & THE CALIFORNIA ADMINISTRATIVE CODE VERY ADAPTED W/ THE OFFICE OF THE CHIEF BUILDING OFFICIAL.
- ALL CLOSETS ARE TO HAVE ROD @ 4'-0" & 2 FIX. SHELVES ABOVE, U.N.D.
- PROVIDE BACKING/ BLOCKING FOR ALL SURFACE MOUNTED OBJECTS.
- GUARDRAILS ARE TO COMPLY W/ U.B.C. 509 & TABLE 16-B, CAT 9
- HANDRAILS ARE TO COMPLY W/ U.B.C. 1006.9 & TABLE 16-B, CAT 9
- UNDER FLOOR VENTILATION IS TO COMPLY W/ U.B.C. 2317.7
- UNDER FLOOR ACCESS IS TO COMPLY W/ U.B.C. 1505.3
- ATTIC VENTILATION IS TO COMPLY W/ U.B.C. 1505.1
- ATTIC ACCESS IS TO COMPLY W/ U.B.C. 1505.1
- PROVIDE FIRE AND DRAFT STOP PER U.B.C. 108.2 & 708.3
- PROVIDE SMOKE DETECTORS PER U.B.C. 310.9
- PROTECT ALL LANDSCAPING TO REMAIN, CONFER WITH OWNER TO ESTABLISHED NECESSARY STACKING & STORAGE AREAS.
- 5.0% GRADE 1/4-12 MIN. FOR A DISTANCE OF 24" MIN. FROM ALL NEW EXTERIOR WALLS. PROVIDE TEMP. BALANCING VALVE @ ALL TUBS SHOWERS PER U.B.C. 410.7
- ALL DIMS SHOWN ARE TO F.O. STRUCTURE, TYP. THE CONTRACTOR SHALL ADJUST DIMS AS NECESSARY TO ENSURE ALIGNMENT OF SIM. CONTIGUOUS FINISHES SUBJECT TO DRAFTERS APPROVAL.
- ANY ITEMS INTENDED TO REMAIN OR BE RE-USED THAT ARE DAMAGE OR LOST SHALL BE REPAIRED OR REPLACED TO MATCH SIM. COND'S.



PLOT PLAN

SCALE 1/8" = 1'-0"

COUNTY GROUP: RELIGIOUS
TYPE OF CONSTRUCTION: V-N
STORIES: 1

ALAMEDA COUNTY
SCALE 1/16" = 1'-0"
CALIFORNIA
DEC, 2002

JOB: CHRISTIAN VIGILANCE CHURCH	REVISIONS:	SCALE: 1/16" = 1'-0"
LOCATION: 28767 RUIZ RD, HAYWARD CA 94544-5722	DRAWN BY: CAMPOS	CHECKED BY:
ARMANDO CAMPOS		DATE: 11/23/02
2706 WEST AVE OAKLAND, CA 94619 - (510) 510-3892 - FAX: (510) 534-8783		

ADCH -- Police

JURISDICTION :

28767 Ruus

09/27/04 PAGE 0001

SEARCH PARAMETERS

FROM : 09/01/03 00:00
TO : 12/31/03 23:59
REC TYPE : Police
LOCATION : 28767 RUUS*

**** INCIDENT HISTORY -- DETAILED ****

INCIDENT NUMBER : P03113149

ENTERED: 09/15/03 22:18:13 BY DSP4/MJ9847
DISPATCHED: 09/15/03 22:22:55 BY DSP1/GT2801
ENROUTE: 09/15/03 22:26:31
ONSCENE: 09/15/03 22:26:31
CLOSED: 09/15/03 22:28:28

INITIAL TYPE: 415

FINAL TYPE: 415 (DISTURBANCE IN PROGRESS)

PRIORITY: 3P DISPOSITION: GOA

Police BLK: HRS010 Fire BLK: 4705

MAP PAGE: N9 GROUP: P3 BEAT: H

LOCATION: 28767 RUUS RD

NAME: ANDY LAFLOR

ADDRESS:

PHONE: 783-9502

--
/2218 (MJ9847) ENTRY AT THE CHURCH / LARGE GROUP OF KIDS ARE OUTSIDE SCREAMING & YELLING / CONSTANT PROB /
/2219 (GT2801) HOLD
/2222 DISP 3F07 #OR9690 ORTIZ, RONALD
/2226 (OR9690) ONSCNE 3F07
/2226 ONSCNE 3F07
/2228 CLEAR 3F07 D/GOA ,SPOKE WITH PASTOR CORNEJO, HE WILL SPEAK WITH HIS MEMBERS
/2228 CLOSE 3F07

ATTACHMENT F

CADCH' -- Police

JURISDICTION :

09/27/04 PAGE 0002

INCIDENT NUMBER : P03114014

ENTERED: 09/17/03 21:47:48 BY DSP6/CD3996
DISPATCHED: 09/17/03 22:29:28 BY DSP7/MJ9847
ENROUTE: 09/17/03 22:33:34
ONSCENE: 09/17/03 22:33:34
CLOSED: 09/17/03 23:06:20

INITIAL TYPE: 415

FINAL TYPE: 415 (DISTURBANCE IN PROGRESS)

PRIORITY: 3P DISPOSITION: 8

Police BLK: HRS010 Fire BLK: 4705

MAP PAGE: N9 GROUP: P3 BEAT: H

LOCATION: 28767 RUUS RD

NAME: MR LAFLEUR

ADDRESS: 28720 RUUS RD

PHONE: 785-9402

/2147 (CD3996) ENTRY LOUD GROUP OF KIDS OUT IN FRONT ..MAKING LOTS OF NOISE.. RP WANTS CONTACT ITS AN ONGOING PROBLEM
/2156 (GT2801) HOLD
/2229 (MJ9847) DISP 3F07 #OR9690 ORTIZ, RONALD
/2233 (OR9690) ONSCNE 3F07
/2233 ONSCNE 3F07
/2306 CLEAR 3F07 D/8 , INC NUMBER PROVIDED TO RP.HE WILL TAKE UP THIS ISSUE WITH THE CITY COUNCIL
/2306 CLOSE 3F07

CADCH' -- Police

JURISDICTION :

09/27/04 PAGE 0003

INCIDENT NUMBER : P03126073

ENTERED: 10/13/03 21:42:38 BY DSP4/NV8985
DISPATCHED: 10/13/03 21:50:56 BY DSP1/LJ9896
ENROUTE: 10/13/03 21:51:09
ONSCENE: 10/13/03 21:52:36
CLOSED: 10/13/03 22:05:49

INITIAL TYPE: 415J

FINAL TYPE: 415J (DISTURBANCE - JUVENILES)

PRIORITY: 3P DISPOSITION: ADJ

Police BLK: HRS010 Fire BLK: 4705

MAP PAGE: N9 GROUP: P3 BEAT: H

LOCATION: 28767 RUUS RD

NAME: ANON MALE

ADDRESS:

PHONE:

/2142 (NV8985) ENTRY SAYS THERE IS A CHURCH GROUP LETTING OUT,,KIDS MAKING TOO MUCH NOISE,,OCC URS EVERYNIGHT
/2144 (LJ9896) HOLD
/2150 DISP 3F69 #NA2689 NGUYEN, ANTWAN
/2151 (NA2689) ENROUT 3F69
/2152 ONSCNE 3F69
/2205 CLEAR 3F69 D/ADJ ,NOISE STOP
/2205 CLOSE 3F69

CADCH -- Police

JURISDICTION :

09/27/04 PAGE 0004

INCIDENT NUMBER : P03130495

ENTERED: 10/22/03 21:42:00 BY DSP4/WR4296
DISPATCHED: 10/22/03 21:58:31 BY DSP1/GK0358
ENROUTE: 10/22/03 21:59:07
ONSCENE: 10/22/03 22:01:59
CLOSED: 10/22/03 22:03:52

INITIAL TYPE: 415J

FINAL TYPE: 415J (DISTURBANCE - JUVENILES)

PRIORITY: 3P DISPOSITION: UNF

Police BLK: HRS010 Fire BLK: 4705

MAP PAGE: N9 GROUP: P3 BEAT: H

LOCATION: 28767 RUUS RD

NAME: LAFLORE

ADDRESS:

PHONE: 7859402

/2142 (WR4296) ENTRY IFO...5 MALES, UNK RACE...MAKING TOO MUCH NOISE IFO....EACH WEDNESDAY NIG HT, AT THIS BLDG, THERE IS SOME
TYPE OF GATHERING AND THE KIDS COME OUTSIDE AN D MAKE TOO MUCH NOISE
/2144 (GK0358) HOLD
/2158 DISP 3G86 #HK6120 HACKL, KEVIN
/2159 (HK6120) ENROUT 3G86
/2159 (GK0358) ASST 3H51 [28767 RUUS RD] #FR8997 FARRO, ROBERT
/2159 CLEAR 3H51
/2159 ASST 3E57 [28767 RUUS RD] #MJ9840 MILLS, JON
/2159 (MJ9840) ENROUT 3E57
/2201 (GK0358) ONSCNE 3G86
/2202 CLEAR 3E57
/2203 (HK6120) CLEAR 3G86 D/UNF ,CHURCH SERVICES ENDING
/2203 CLOSE 3G86

CADCH-- Police

JURISDICTION :

09/27/04 PAGE 0005

INCIDENT NUMBER : P03149992

ENTERED: 12/06/03 22:22:02 BY DSP4/VS0482
DISPATCHED: 12/06/03 23:15:13 BY DSP1/MJ9847
ENROUTE: 12/06/03 23:15:13
ONSCENE: 12/06/03 23:15:13
CLOSED: 12/06/03 23:15:47

INITIAL TYPE: 415

FINAL TYPE: 415 (DISTURBANCE IN PROGRESS)

PRIORITY: 3P DISPOSITION: GOA

Police BLK: HRS010 Fire BLK: 4705

MAP PAGE: N9 GROUP: P3 BEAT: H

LOCATION: 28767 RUUS RD

NAME: LEFLORE

ADDRESS:

PHONE: 785-9402

/2222 (VS0482) ENTRY GROUP OF TEENS MAKING ALOT OF NOISE AND SEVERAL CARS IN THE PARKING LOT..THE BUILDING IS SUPPOSE TO BE
CLOSED AT 2200 ,,,RECENTLY MET WITH THE CITY PLANNING COMMISSION REGARDING THIS CHURCH
/2222 SUPP TXT: INF STATES THEY ARE YELLING AND RUNNING AROUND THE BUILDING AND SPEEDING IN AND OUT OF THE PARKING L
OT
/2224 (LJ9896) HOLD
/2313 (VS0482) CANCEL , THEY LEFT WE CAN CANCEL
/2313 CLOSE
/2315 (MJ9847) REOPEN ,NO MORE INFORMATION
/2315 DISPOS 3F07 #OR9690 ORTIZ, RONALD
/2315 (OR9690) CLEAR 3F07 D/GOA
/2315 CLOSE 3F07

CADCH*-- Police

JURISDICTION :

09/27/04 PAGE 0001

SEARCH PARAMETERS

FROM : 01/01/04 00:00
TO : 08/31/04 23:59
REC TYPE : Police
LOCATION : 28767 RUUS*

**** INCIDENT HISTORY -- DETAILED ****

INCIDENT NUMBER : P04016617

ENTERED: 02/09/04 12:29:00 BY DSP3/TV7452
CLOSED: 02/09/04 12:43:50

INITIAL TYPE: 1033
FINAL TYPE: 1033 (ALARM SOUNDING)
Police BLK: HR5270 Fire BLK: 4705
MAP PAGE: N9 GROUP: P3 BEAT: H
LOCATION: 28767 RUUS RD
NAME: BRINKS #106 ADDRESS: -- PHONE: 8008740881

/1229 (TV7452) ENTRY AUDIBLE//HALLWAY DOOR//REFERENCE #040-12601//1022C
/1229 (NM9099) MISC ,BOLF
/1229 HOLD
/1243 (TV7452) CANCEL , PER ALARM CO
/1243 CLOSE

CADCH -- Police

JURISDICTION :

09/27/04 PAGE 0002

INCIDENT NUMBER : P04094862

ENTERED: 08/08/04 18:40:56 BY DSP4/LJ9896
DISPATCHED: 08/08/04 19:42:56 BY DSP1/GK0358
ENROUTE: 08/08/04 19:42:56
ONSCENE: 08/08/04 19:44:54
CLOSED: 08/08/04 19:49:51

INITIAL TYPE: 415M

FINAL TYPE: 415M (DISTURBANCE - MUSIC)

PRIORITY: 3 DISPOSITION: ADJ

Police BLK: HR5270 Fire BLK: 4705

MAP PAGE: N9 GROUP: P3 BEAT: H

LOCATION: 28767 RUUS RD

NAME: ANDREW LATHOR

ADDRESS: 28720 RUUS

PHONE:

/1840 (LJ9896) ENTRY CONTACT RP AT 28720 RUUS,,RE LOUD MUSIC ACROSS THE STREET AT 28767
/1913 (TV7452) HOLD
/1942 (GK0358) DISPER 2G31 #RD1913 RAMSEY, DERREL
/1942 ASSTER 2E38 #HZ4215 HOYER, ZACHARY
/1944 ONSCNE 2E38
/1944 ONSCNE 2G31
/1945 MISC 2G31 ,SEEMS LIKE CHURCH FUNCTION
/1949 CLEAR 2G31 D/ADJ
/1949 CLEAR 2E38
/1949 CLOSE 2E38

RECEIVED

FEB 19 2004

2-18-04

MR. PEARSON:

PLANNING DIVISION

12-31-03 Loud RACKET INCLUDING AMPLIFIED MUSIC + SINGING
KIDS YELLING + SCREAMING. LOTS OF CARS COMING + GOING UNTIL
12:30 PM.

Fri- 1-2-04- AGAIN KIDS RUNNING AROUND BUILDING BEING CHASED
BY ADULTS FOR AN HOUR OR SO. FINALLY STOPPED AT 10:15 P.M.
LAST CARS LEAVING LOT AT 10:35 P.M.

SUN 1-4-04 LAST CARS LEFT LOT AT 10:15 PM.

MON 1-12-04 BLARING Loud MUSIC (AMPLIFIED) FROM 7:30 PM
OFF + ON UNTIL 10:15 PM.

SAT- 1-17-04 6:30 PM Loud AMPLIFIED MUSIC - I CALLED
THEM (CORNEJO) + ASKED IF THEY WOULD CUT DOWN THE
NOISE OR SHOULD I CALL POLICE TO HAVE THEM
STOP THE RACKET? THEY DECIDED TO STOP + DID.

wed- 1-21-04 AT 10:15 PM. KIDS SCREAMING + RUNNING
AROUND THEIR PARKING AREA + CARS HONKING + ENGINES
RACING + BROKE UP AT 10:20 PM.

wed- 1-28-04- Loud AMPLIFIED MUSIC BEGIN AT 7:30 WITH
CLAPPING + SINGING AS ALWAYS DOORS WIDE OPEN TO
PROVE TO US ANYTHING GOES. THIS WENT ON UNTIL
10:25 PM.

Fri- 1-30-04- Loud AMPLIFIED MUSIC WITH DOOR WIDE OPEN + NOW
AN ADDED FEATURE (A TRUMPET)-!! AND AGAIN OFF + ON
LOUD NOISE FINALLY BROKE UP AT 10:10 PM + CARS
LEAVING WITH EACH ONE ATTEMPTING TO BE LOUDER
THAN THE ONE THAT LEFT BEFORE THEM.

SUN. 2-1-04 - LOUD AMPLIFIED MUSIC - SINGING & CHAPPING
AT 4:45 P.M. ON GOING FOR AN HOUR WITH DOORS WIDE
OPEN AS USUAL.

MON 2-2-04 - HORN HONKING AT 5:07-AM AT LOCKED GATE
WITH SOME ONE SHOUTING AT PEOPLE INSIDE BUILDING
TO OPEN GATE FOR THEM TO GET IN LOT. !!

AS YOU CAN SEE BY MY NOTES THE PATTERN
IS PRETTY CLEAR.

1. 5:00 AM NOISE EVERY MORNING WITH TOTAL
DISREGARD TO NEIGHBORS -

2. MON. WED. & FRI - NIGHTS IS STAY
AS LATE AS YOU WISH & ALLOW KIDS TO MAKE
ALL THE RACKET THEY WANT TO.

3. EVERY SUN IS A THREE SESSION AFFAIR
WITH CARS PULLING IN & OUT ALL DAY LONG, LOUD
MUSIC & CHAPPING WITH DOORS WIDE OPEN TO
MAKE SURE WE DON'T MISS ANY OF IT.

RESPECTFULLY
Andy Hatcher



August 6, 2004

Juan Ramon Cornejo
Christian Vigilance Church
28767 Ruus Road
Hayward, CA 94544

Subject: Use Permit Modification – PL-2003-0373; 28767 Ruus Road, HAYWARD

Dear Mr. Cornejo,

As you know, the conditions of approval for your Use Permit require several improvements on the church property to be completed by specific deadlines. I understand that you are pursuing a building permit for an addition to the church building, but the fact that you have submitted plans for the addition does not relieve you of the requirement to complete the improvements to the building and parking lot.

Furthermore, I have received numerous complaints about the church operating too early in the morning and too late at night. I have documentation of early morning and late night operation happening regularly during December, 2003 through February of this year. After we talked in March, things seemed to have quieted down. I have noted only two days in March and April when the operating hours were violated. In June, a neighbor on Collins Court complained that children were poking sticks at his dog through the fence. Finally, yesterday I was informed by a neighbor that the operating hours have been violated on a regular basis for the past few weeks.

Currently, the church is in violation of conditions of approval 4 (soundwall), 5 (sign), 7 (lighting plan), 8 (windows, air conditioning and sound insulation), 12 (hours of operation) and possibly 10 (keeping doors and windows closed) and 13 (orderly conduct). The driveway and parking lot is required to be paved by August 17, 2004. Condition 33 states that violation of the conditions may result in a revocation hearing before the Planning Commission.

If conditions 4, 5, 7 and 8 are not completed and improvement plans for the parking lot not submitted by September 7, 2004, then we will proceed with scheduling a revocation hearing with the Planning Commission. Also, any future violation of the hours of operation or observance of disorderly conduct will be grounds for proceeding with a revocation hearing. If the Planning Commission revokes the Use Permit, then the church will be required to stop all operations.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

777 B STREET, HAYWARD, CA 94541-5007
TEL: 510/583-4200 • FAX: 510/583-3649 • TDD: 510/247-3340

ATTACHMENT G

SEP 02 2004

PLANNING DIVISION

August 30, 2004

Mr.
Erik J. Pearson, AICP
Associate Planner
Planning Department
City of Hayward
777 B Street, Hayward Ca. 94541

Subject: **Use permit modification -PL-2003-0373; 28767 Ruus Road, Hayward**

Dear Mr. Pearson,

We are responding you, in reference to your letter dated: August 6, 2004 as follows:

A.- THE DRIVEWAY AND PARKING LOT:

Unfortunately for many reasons, we could not comply with the dew date of: August 17, 2004 for the installation of asphalt work as you requested in your letter. We are having our Civil Engineer, Mr. Franquintin T. Talaria, of Talaria & Associates, Consulting Engineers, to make final revisions to the drainage plan, including catch Basins, underground drain system and appropriate connection to the existing creek located at the north property line of this site. We expect plans to be ready at the end of this week, and after proper plan check/approval by the City, we will install new Asphalt work, site improvement required by the City's conditions of approval for Use Permit.

B.- CONDITIONS 4,5 and 8:

We are having our Building Architect, Civil Engineer, and Irrigation-Landscape Consultants professionals, to complete all needed planning, to be ready for submittal to City's Planning Department, by September 7, 2004 to avoid scheduling a revocation hearing with the Planning Commission.

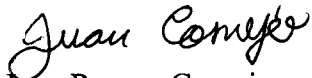
C.- CONSTRUCTION SCHEDULE:

As we mentioned before, we are securing our License Contractor for the Implementation of underground installations, Drainage system, Electrical Conduit, Irrigation sleeves under new asphalt areas, concrete work etc. to start work as soon as plans are authorized by the City's Planning, Public Works and Construction Departments.

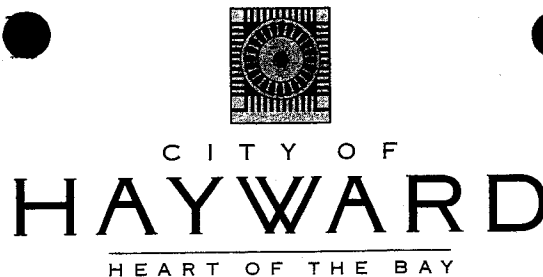
D.- HOURS OF CHURCH OPERATION:

We are implementing a new church operation program, that allow us to comply with The City's 12 hours of operation condition. As per condition of approval No.12, The hours of operation shall be no earlier than 7 a.m. and no later than ^{10:00} p.m. daily. Services/meetings shall end by 9:30 p.m. and all cars (with the exception of custodial or administrative staff) shall exit the premises and the gate closed and locked across the driveway by 10 p.m. nightly.

Sincerely yours,



Juan Ramon Cornejo
Christian Vigilance Church
28767 Ruus Road,
Hayward Ca. 94544



September 30, 2004

Juan Ramon Cornejo
Christian Vigilance Church
28767 Ruus Road
Hayward, CA 94544

Subject: Use Permit – PL-2003-0373; 28767 Ruus Road, HAYWARD

Dear Mr. Cornejo,

As stated in my letter of August 6, 2004, you had until September 7, 2004 to complete the work required by several conditions of approval and to submit plans for the parking lot. The work has not been completed and the plans have not been submitted. Furthermore, we have received additional complaints about the hours of the church's operation.

You are hereby informed that the Planning Commission will conduct a public hearing on October 21, 2004 to consider revoking the church's use permit. If the Commission revoke's the use permit, the church will be required to cease all operations.

You will receive a copy of my report to the Commission approximately 5 days prior to the hearing. If you have any questions, please contact me at (510) 583-4210 or e-mail me at erik.pearson@hayward-ca.gov.

Sincerely,

Erik J. Pearson, AICP
Associate Planner

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

777 B STREET, HAYWARD, CA 94541-5007
TEL: 510/583-4200 • FAX: 510/583-3649 • TDD: 510/247-3340

ATTACHMENT I